

MEMORANDUM

INLUC
Agenda Item No. 3(C)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 26, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Resolution approving
amendments to A.O. 4-120;
Building Permit Process
Alternatives

The accompanying resolution was prepared and placed on the agenda at the request of Commissioner Barbara J. Jordan.



Murray A. Greenberg
County Attorney

MAG/bw



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: June 6, 2006

FROM: Murray A. Greenberg
County Attorney

SUBJECT: Agenda Item No.

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No.
6-6-06

RESOLUTION NO. _____

**RESOLUTION APPROVING AMENDMENTS TO
ADMINISTRATIVE ORDER 4-120: BUILDING PERMIT
PROCESS ALTERNATIVES**

WHEREAS, it is the policy of Miami-Dade County to facilitate the timely issuance of building permits and inspection of construction work; and

WHEREAS, the Board of County Commissioners finds that there exists a critical need for a diverse supply of housing for persons of all income levels; and

WHEREAS, the Board of County Commissioners has identified a workforce target income group consisting of persons especially affected by the short supply of housing designed and constructed to accommodate such income group; and

WHEREAS, the Board of County Commissioners has established a Workforce Housing Development Program to advance housing opportunities for persons in the identified workforce target income group; and

WHEREAS, in furtherance of that policy this Board has enacted an ordinance that provides for the establishment of an expedited plan review program for workforce housing units to provide for the availability of housing opportunities for a targeted income range; and

WHEREAS, the Office of the County Manager recommends the approval of the attached Administrative Order required to implement the provisions of that ordinance; and

WHEREAS, the Board desires to accomplish the purposes outlined in the accompanying memorandum, a copy of which is incorporated herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board approves the amendments to Administrative Order 4-120: Building Permit Process Alternatives.

The foregoing resolution was sponsored by Commissioner Barbara J. Jordan and offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Joe A. Martinez, Chairman
Dennis C. Moss, Vice-Chairman

Bruno A. Barreiro
Audrey A. Edmonson
Sally A. Heyman
Dorrian D. Rolle
Katy Sorenson
Sen. Javier D. Souto

Jose "Pepe" Diaz
Carlos A. Gimenez
Barbara J. Jordan
Natacha Seijas
Rebeca Sosa

The Chairperson thereupon declared the resolution duly passed and adopted this 6th day of June, 2006. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

JM

John McInnis

MIAMI-DADE COUNTY
ADMINISTRATIVE ORDER

BUILDING PERMIT PROCESS ATERNATIVES

AUTHORITY:

Section 4.02 of the Miami-Dade County Home Rule Amendment and Charter, Sections 2-1266 and 8-8 of the Code of Miami-Dade County and Section 553.791 of the Florida Statutes.

SUPERSEDES:

This Administrative Order supersedes Administrative Order 4-120 ordered ~~September 24, 2002~~ June 7, 2005 and effective ~~October 2, 2002~~ June 17, 2005.

POLICY:

It shall be the policy of Miami-Dade County (the County) to offer alternatives to the building permit process described in Administrative Order No. 4-115 to facilitate the timely issuance of building permits as provided for in the Florida Building Code, Florida Statutes and the Code of Miami-Dade County. These alternatives shall include the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes, an optional expedited plan review program and an expedited plan review program for green buildings to promote environmentally sensitive design and construction and an expedited review program for developments which incorporate workforce housing units (in accord with the provision of Chapter 33, Code of Miami-Dade County) within the development. This Administrative Order provides for those aspects of the County's alternative plans review and inspection process not specifically prescribed under Section 553.791 of the Florida Statutes, establishes the optional expedited plan review program and ~~establishes the expedited plan review programs~~ for green buildings and workforce housing units.

DEFINITIONS:

Unless otherwise specified in the Florida Statutes, the definition of words and terms used in this Administrative Order shall be as defined in Section 553.791 of the Florida Statutes and the Florida Building Code.

PERMITTING PROCESS:

Under the provisions of Section 553.791 of the Florida Statutes, the fee owner of a building may use a private provider to provide building code inspection services with regard to such building. This expedited permitting process shall be an alternative to the permit process involving plans review and inspection by the Building Department, and is not intended to affect the permit review, approval and inspection process which may be performed by operation of this Code by other County departments, including, but not limited to the Department of Environmental Resources Management, Planning and Zoning, Fire, Water and Sewer or Public Works. Nothing in this Administrative Order shall be construed to impair any review mandated by Federal or State law. Participation in this alternative plans review and inspection process shall not relieve the owner, design professional, private provider, or contractor from any of their respective responsibilities for compliance with the Florida Building Code. No approval or certification by a private provider of non-code compliant construction shall be deemed a waiver of any of the requirements of the Building Code.

Upon receipt of a complete application, the plans and application shall be reviewed by other County departments having jurisdiction. Following all required approvals, the Building Official shall stamp the plans "Permit Issued by Affidavit" and return the job copy to the applicant together with the permit for construction within the timeframes established under State law following submission of a complete permit application. Applicants shall be notified of a rejected submission. A permit application may be resubmitted to the Building Department by the applicant after any rejection when all required information has been compiled.

The Building Official shall accept a properly completed application, and authorize the construction without further examination or inspection subject to the quality control provisions of this Administrative Order. Applicants who file under this alternative plan review and inspection process cannot subsequently request plan examination, approval or inspection under the same permit application, but may request cancellation of the permit. Upon such cancellation, the permit applicant may file a new permit application which shall be treated as an application for a new permit, subject to all applicable requirements for fees, plans review, examination and inspection. Applicants may also request in ~~wiring-writing~~, in forms to be developed for this purpose, the interpretation or reconsideration of an issue related to the Building Code or any technical codes in advance of filing the

application. Such interpretation may be rendered by the responsible official, in wiring, and a copy of the same will become part of the application. The Building Official shall be authorized to establish a fee to defray the cost of these services.

Any and all amendments to the permit application and related construction ~~constructed~~ documents must be submitted to the Building Department, and certified. For good cause shown, the Building Official may permit the substitution of any private provider or any person performing examination or inspection services, provided that the substitute person also satisfies the requirements of State law and this Administrative Order and an amendment to the permit application is properly filed.

The private provider performing required inspections shall provide notice to the Building Official of the date and approximate time of such inspection no later than 2 p.m. local time the prior business day. Inspections performed by inspectors qualified pursuant to this Section shall be recorded in a form acceptable to the Building Official. Such inspection records shall reflect all inspections performed, including the mandatory inspections required by the Building Code. The inspection records shall be maintained at the job site, and in the files of the private provider, available for review and inspection by the Building Official. The private provider shall immediately report to the Building Official: (1) any condition which poses an immediate threat to the safety of persons or property; or (2) the presence of any known violation of the Building Code which the contractor has failed or refused to correct.

For threshold buildings, the private provider shall be responsible for compliance with the requirements of Section 553.79 of the Florida Statutes, including the performance of inspections by or through a person qualified as a special inspector, and submission of the required written reports to the Building Official.

REGISTRATION PROCESS:

The Building Code Compliance Office shall register all architects, engineers and individuals certified under part XII of Chapter 468 of the Florida Statutes who apply to participate in the alternative plans review and inspection process under their specific discipline. The Building Code Compliance Office shall implement an on-line automated information system to provide building departments with instant notification regarding the status of any registered person in order to facilitate the issuance of permits under the alternative plans review and inspection process.

As a condition of registration, participating individuals shall provide to the Chief Building Code Compliance Officer, on forms to be developed for this purpose, proof of an active license as an architect under Part 1 of Chapter 481 of the Florida Statutes, an engineer under Chapter 471 of the Florida Statutes or inspector holding a standard certificate under part XII of Chapter 468 of the

Florida Statutes. In addition, as a condition of registration, proof of insurance for professional and comprehensive general liability as required by State law must also be submitted.

The Director of the Building Department may suspend or exclude an owner, permit applicant, contractor, private provider or duly authorized representative from participating in the alternative plans review and inspection process established under Section 553.791 of the Florida Statutes for due cause. The decisions of the Building Department Director shall be final, subject only to appeal to the Board of Rules and Appeals of Miami-Dade County, within thirty days of rendition of the decision. Written notice of a decision to suspend or exclude such person shall be given to the affected person by the Building Department Director and a copy of such notice shall be provided to the Building Code Compliance Office. In addition, the Building Official shall notify the Building Code Compliance Office of the referral of any complaint to the state board by the Building Department Director against any private provider.

QUALITY CONTROL:

The County, through its officials entrusted with the responsibility of performing plans review, shall perform audit reviews of at least 20% of all plans submitted through the alternative plans review and inspection process within thirty (30) days of permit issuance. The review will represent a random sample of construction types, prioritized based on public safety impact and anticipated completion date of construction. The review will place primary emphasis on the following issues: structural integrity, fire and occupant safety, egress requirements, sanitary facilities and access to persons with disabilities.

The County, through its officials entrusted with the responsibility of performing building inspections, shall perform quality assurance inspections representing up to 50% of all inspections identified in the Building Code as mandatory. The quality assurance inspections will be performed to determine job progress, compliance with approved permit documents, and violations, if any, of the Building Code. The inspections will represent a random sample of construction types, placing primary emphasis on foundation, framing and accessibility inspections. The inspections performed by the Building Department shall be for quality assurance purposes only, and shall not relieve the private providers of any obligation to perform the inspections and issue the certifications provided by law.

FEES:

The fees to be charged for the services provided under the alternative plans review and inspection process shall be in accordance with the fee schedule for the Building Department authorized by the Board of County Commissioners.

OPTIONAL EXPEDITED PLAN REVIEW PROGRAM:

An optional expedited plan review program has been established in the Building Department as an additional permitting process alternative. This expedited plan review program is not available to permit applicants who opt to participate in the alternative plans review and inspection process established under State law. Under the program, the permit applicant has the option to request an expedited plan review in any one or more of the construction disciplines for applications of qualified projects, as determined by the Building Department Director, at an additional cost as established in the Department's fee schedule. The permit applicant will pay expedited plan review costs up front at the time the request for the service is made. The fees paid for the expedited plan review services will be in addition to regular permit fees and are non-refundable.

Plan reviews under the program will be performed by the Building Department staff. The Department will contract with plan review staff to perform plan review services after normal business hours and on weekends. Under the program, a separate review will be conducted in each of the following disciplines:

- Building (inclusive of Accessibility)
- Structural
- Mechanical (inclusive of Energy)
- Electrical
- Plumbing
- Roofing

EXPEDITED PLAN REVIEW PROGRAM FOR GREEN BUILDINGS:

An expedited plan review program for green buildings has been established to ensure the timely processing of permit applications and review of plans by each of the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for green buildings, provided the request to expedite meets all of the following conditions:

1. The expediting will be limited to the new construction of residential, commercial and industrial projects. Additions, alterations, repairs and the new construction of accessory structures are not eligible for expedited treatment.
2. The applicant submits at the time of the filing of the permit application an original or certified copy of a letter from the Florida Green Building Coalition or the United States Green Building Council indicating that the design has been registered or certified as a green building by the organization.

3. The project has a dollar value of \$50,000.00 or more.

EXPEDITED PLAN REVIEW PROGRAM FOR WORKFORCE HOUSING UNITS:

An expedited plan review program for workforce housing units in accord with the requirements of Chapter 33, Code of Miami-Dade County, has been established to ensure the timely processing of permit application and review of plans by the County departments listed in Administrative Order No. 4-115 having responsibility for the review of residential and commercial construction. Upon written request of the permit applicant, each reviewing department shall expedite the review of plans submitted for workforce housing units, provided the request to expedite meets all of the following conditions:

1. The expediting will be limited to the new construction of workforce housing units within residential and commercial developments. Additions, alterations, repairs and the new construction of accessory structures or the new construction of market-rate housing units within the development are not separately eligible for expedited treatment.
2. The applicant submits at the time of filing of the permit application an original or certified copy of the Workforce Housing Unit Agreement as required in accord with the provisions for such agreement contained within Chapter 33, Code of Miami-Dade County.

This Administrative Order is hereby submitted to the Board of County Commissioners of Miami-Dade County, Florida.

County Manager

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